IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 27TH MARCH 2007 / 6TH CHAITHRA 1929

WP(C).No. 25698 of 2005(H)
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PETITIONER:
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M.MADHU, NADALAYIL HOUSE,
VALLIKUNNAM, MEENATHU WARD, MAVELIKKARA,
ALAPPUZHA DIST.

BY ADV. SRI.K.V.GOPINATHAN NAIR

RESPONDENTS:
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THE REGIONAL TRANSPORT OFFICER,
KOLLAM.

ADDL. RESPONDENT:

MOHANKUMAR, S/O.NANU, KUMBAZHETH,
S.R.P.MARKET P.O., MANAPPALLY THEKKUM MURI,
PAVUMBA VILLAGE, KARUNAGAPPALLY.

(ADDL. RESPONDENT IS IMPLEADED AS PER ORDER
DT.20.10.06 IN I.A. NO.14553/2006.)

R1 BY G.P. SMT.SMITHA
R2 BY ADV. SRI.K.RAVEENDRAN
SRI.ANIL KUMAR M.SIVARAMAN

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 27/03/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS:

P1: TRUE COPY OF THE REGULAR PERMIT ISSUED TO THE PETITIONER ON THE ROUTE CHARUMOODU-KARUNAGAPPALLY H.S. VALID UPTO 24.7.2006.

P2: TRUE COPY OF THE CERTIFICATE OF FITNESS ISSUED IN RESPECT OF S/C KL-7/AA 3399 VALID FROM 8.4.2005 TO 7.4.2006.

P3: TRUE COPY OF THE INSURANCE CERTIFICATE ISSUED IN RESPECT OF S/C KL-7/AA 3399 VALID FROM 10.11.2004 TO 9.11.2005.

P4: TRUE COPY OF THE DEMAND DRAFT PURCHASED BY THE PETITIONER FOR RS.29,910/- ALONG WITH THE PRESCRIBED SLIP DT.25.5.2005.

P5: TRUE COPY OF THE ORDER OF THIS HON'BLE COURT IN WPC NO.15143/2005 DT.20.5.2005.

P6: PHOTOSTAT COPY OF THE DEMAND DRAFT PURCHASED BY THE PETITIONER FOR RS.29910/- DT.12.5.2006.

P7: PHOTOCOPY OF DEMAND DRAFT NO.514474 OF STATE BANK OF TRAVANCORE PURCHASED BY PETITIONER FOR RS.29910/- DT.10.8.2006.

P8: PHOTOCOPY OF THE DEMAND DRAFT NO.55670 OF SBT PURCHASED BY PETITIONER FOR RS.30,000/- DT.10.11.2006.

RESPONDENT'S EXHIBITS:

R2(a) SERIES: TRUE COPY OF RECEIPTS IN THE NAME OF R2.

R2(b): TRUE COPY OF THE TELEGRAM SENT BY ASHOK LEYLAND FINANCE LTD. TO R2 DT.17.7.2003.

TRUE COPY

P.A. TO JUDGE

C.N.RAMACHANDRAN NAIR,J.

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W.P.C. NO. 25698 OF 2005

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Dated this the 27th day of March, 2007

JUDGMENT

The prayer in the W.P. is for direction to the RTO, the first respondent, to receive from the petitioner the motor vehicle tax without production of RC book. RC book is stated to be with the additional second respondent, who claims ownership over the vehicle, though the petitioner is in actual possession of the vehicle. Petitioner is also operating the vehicle under the permit and therefore he has to remit tax regularly. This Court today in WPC 23570 of 2006 ordered enquiry in respect of transfer of vehicle in the name of the petitioner by the Transport Commissioner. Pending decision by the Transport Commissioner about the validity of transfer, there will be direction to the second respondent to produce original RC book before the first respondent for endorsing payment of tax made by the petitioner through cash or demand draft. The first respondent will retain the RC book subject to orders by the Transport Commissioner based on enquiry to be conducted by him. I make it clear that RTO shall not

release the RC book to the petitioner without orders from Transport Commissioner. Since next instalment of tax is due on 30.4.2007, second respondent is directed to surrender the RC book to the first respondent on or before 29.4.2007, against which first respondent will issue a receipt.

W.P. is disposed of as above.

(C.N.RAMACHANDRAN NAIR)
Judge